

Remarks/Arguments

Favorable consideration of this application is respectfully requested. Applicant has rewritten claims 1, 14, 15 and 16, cancelled claims 8 and 18-25, and added new claims 26 and 27. Favorable reconsideration of this application, consequently, is earnestly solicited in view of the following remarks. Applicant gratefully appreciates the Examiner's indication that claim 8 contains allowable subject matter.

Applicant acknowledges the election requirement and cancels claims 18-25. However, Applicant reserves the right to file a divisional application.

Claims 1-8, 11, and 13-15 were rejected under sec. 102 as being anticipated by Harrell. Applicant has amended claims 1 and 15 to clarify its structural differences from Harrell. As seen in Figure 1, Harrell requires mounting on an exterior surface in order that the particular fasteners (29, 29a, and 29b) can be used. Conversely, as seen in Figure 4(c) of the application, applicant's device specifies that placement of device be inside the given boundary.

Furthermore, Examiner is reading the reference out of context. Examiner states that between Harrell's "first sleeve 50" and "second sleeve 40" is a "resilient member". Harrell in column 2, lines 69-71 shows that Examiner's term "second sleeve 40" is actually an "elastomeric sealing sleeve or gasket 40" and the examiner's "resilient member" is actually "the expander sleeve 35". Column 3, lines 34-35 of Harrell describe that Examiner's "first sleeve 50" is, in reality, "an inner lock sleeve or spread ring 50". Correct identification of Harrell's components, thus, shows the further structural differences from Applicant's device. Due to the different structures and functions of Harrell's "sleeves" and the Applicant's "sleeves", Examiner's analogy between the two devices fails.

Additionally, Applicant has amended claims 7 and 16 to further clarify Applicant's structural differences from Harrell. Examiner states that "the first second and third portions include a substantially t cross sectional shape". While Harrell's cross-sectional shape is in the form of a capital T, Applicant's cross sectional shape has been more accurately described as a cross, or low lower case "t", and is therefore different from Harrell's configuration. As shown Applicant's device is structurally different from Harrell's, and removal of this rejection is respectfully requested.

Original claims 1, 5 and 8 have been combined in new claim 26,, and claims 5,8, and 15 have been combined into new claim 27 in order that claim 8 be independent in form. Applicant appreciates Examiner's note that claim 8 is allowable if rewritten.

Claims 2-3 and 9-11 were rejected under 103(a) as being unpatentable over Harrell, claiming the specified materials of construction as a mere matter of ordinary skill in the art. MPEP section 706.02(j) clearly states that in order to reject a claim due to

obviousness to one skilled in the art, "the prior art reference (or references when combined) must teach or suggest *all* the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and *not based on applicant's disclosure*". (MPEP 706.02(j) citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added)). Here, Examiner provided no references documenting the use of PVC or rubber as common and obvious to one skilled in the art, nor did the Examiner provide references regarding the fact that walls, floors, and the use of concrete are common boundaries to ones skilled in the art. Thus, under the MPEP 706.02(j), applicant respectfully requests removal of rejection unless specific references are cited and provided to applicant.

Claims 12 and 17 were rejected under 103(a) as being unpatentable over Harrell in light of Cornwall. Applicant, however, has clarified the significant structural differences between Harrell's device and Applicant's device. Therefore, the rejection in light of Cornwall is now moot, and removal of rejection is respectfully requested.

Claim 14 was amended for a typographical error in the original application. However, no new material has been entered.

In view of the foregoing considerations, it is respectfully urged that claims 1-17 be allowed. This action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;



Brian S. Steinberger
Registration No. 36,423
101 Brevard Avenue
Cocoa, FL 32922
Telephone: (321) 633-5080

Date: 6/20/03



3635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Darrell Price.
Serial No.: 10/039,695
Filed: 01/04/2002
For: PRESEALED SYSTEM
Examiner: Chapman, Jeanette E.

Group: 3635

Paper No.: ____

Commissioner of Patents and Trademarks
P.O. Box 1450
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Honorable Commissioner:

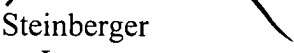
I enclose the following papers:

1. Amendment Response

Please enter the above correspondence.

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JUN 26 2003
GROUP 3600

Respectfully submitted,


Brian S. Steinberger
Attorney at Law
PTO Registration No. 36,423
101 Brevard Avenue
Cocoa, Florida 32922
(407) 633-5080 Facsimile (407) 633-9322

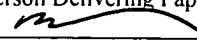
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